

HOLWELL SHUSTER & GOLDBERG LLP

425 Lexington Ave., 14th Floor
New York, New York 10017
Tel: (646) 837-5151
Fax: (646) 837-5150
www.hsgllp.com

Gregory J. Dubinsky
(646) 837-8554
gdubinsky@hsgllp.com

June 10, 2024

VIA ECF

The Honorable Valerie Figueredo
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

**Re: *Harrington Global Opportunity Fund, Limited v. BofA Securities, Inc., et al.,*
1:21-cv-00761-LGS (S.D.N.Y.)**

Dear Judge Figueredo:

I write on behalf of plaintiff Harrington, and pursuant to Rules I.a and I.e of this Court's Individual Practices in Civil Cases, to respectfully request that the Court approve the parties' agreement to address certain data issues after June 10, the deadline for raising party discovery disputes.

As background, the parties have made substantial progress towards completing their productions of all trade and order data before the close of expert discovery. However, certain categories of data remain outstanding. As relevant to this motion, the Merrill defendants are in the process of reproducing their Canadian trading data to correct a technical issue that resulted in partially corrupted data. Merrill represented to Harrington that it will not be possible to complete that production for some additional time.

Given that these productions are forthcoming, Harrington respectfully requests that the Court authorize Harrington to raise any potential disputes concerning Merrill's forthcoming production after the June 10 deadline. Merrill stated "[t]he only issue we agreed could be raised later is one that could not have been raised today."¹ Separately, in the interest of avoiding unnecessary motion practice or depositions, CIBC World Markets has agreed to work with Harrington beyond June 10 to resolve reasonable questions that Harrington may have concerning

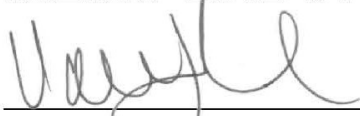
¹ On June 6, Merrill stated that "we agree that if there is a problem with the CXR data production(s) we make in the next week or two – i.e., an issue that Harrington is unable to raise now – you would still be able to raise it with the court."

trade and order data already produced, but CIBC opposes Harrington's request to raise any issues after June 10. To be clear, Harrington does not anticipate that disputes will arise in connection with these exchanges, but Harrington requests the Court's confirmation that the June 10 deadline will not apply to any such disputes that may arise.

In addition to seeking clarification with regard to the foregoing issues, Harrington believes that the forthcoming productions by Merrill and other defendants are relevant to the expert report(s) that it intends to prepare in this case and that Harrington should have adequate time to review and analyze those productions before preparing expert reports. The parties have met-and-conferred on this subject, and while the parties are still negotiating, Harrington anticipates that the parties may reach an agreement on a revised expert discovery schedule that accommodates Harrington's concerns. Harrington will file a motion (joint or otherwise) on this issue as soon as practicable following the parties' resolution of the issue.

We thank the Court for considering this request and for its attention to these matters.

MEMO ENDORSED



HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE

DATED: June 11, 2024

Plaintiff's request is granted to the extent that Plaintiff will be able to raise after June 10, 2024, any issues with Merrill's forthcoming production of Canadian trading data that could not have been raised by Plaintiff on or prior to June 10, 2024. The Clerk of Court is respectfully directed to terminate the Motion at ECF No. 300.

Respectfully submitted,

/s/ Gregory Dubinsky

Gregory Dubinsky

Matthew Gurgel

Andrew C. Indorf

HOLWELL SHUSTER & GOLDBERG LLP

425 Lexington Avenue

New York, NY 10017

Tel.: (646) 837-5151

gdubinsky@hsgllp.com

mgurgel@hsgllp.com

aindorf@hsgllp.com

Alan M. Pollack

Leron Thumim

Felicia S. Ennis

WARSHAW BURSTEIN, LLP

575 Lexington Avenue, 7th Floor

New York, New York 10022

(212) 984-7700

apollack@wbny.com

lthumim@wbny.com

fennis@wbny.com

James Wes Christian

Ardalan Attar

CHRISTIAN ATTAR LAW GROUP, LLC

2302 Fannin, Suite 205

Houston, Texas 77002

(713) 659-7617

jchristian@christianattarlaw.com

aattar@christianattarlaw.com

*Counsel for Plaintiff Harrington Global
Opportunity Fund, Limited*